

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL MEMORANDUM**

**HB 1196 – SB 1220**

May 19, 2010

**SUMMARY OF AMENDMENT (016969):** Deletes all language after the enacting clause. Requires an applicant for sheriff to be free from any disorder as described in the current edition of Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association that would, in the professional judgment of the examiner, impair the applicant's ability to perform any essential function of the job or pose a direct threat to public safety. Requires a person running for sheriff to possess a current and valid peace officer standards and training (POST) commission certification within 12 months prior to the close of qualification for the election of sheriff, or at least three years of full-time experience as a POST Commission certified law enforcement officer within the last 10 years, or equivalent state or federal law enforcement experience within the last 10 years. Such provisions do not apply in any county having a metropolitan form of government where the sheriff does not have enforcement powers.

Requires any person elected as sheriff without a current and valid POST certification or who does not meet the standard on minimum hours required for such certification, to enroll, within six months after taking office, in a remedial training program offered by the Tennessee Law Enforcement Academy. Any sheriff who does not fulfill the training obligations shall lose the power of arrest.

Under current law, the salary of an elected sheriff without a current and valid peace officer certification is 15 percent less than the salary of an elected sheriff with a valid certification during the first year in office. Such salary is 20 percent less for the second year; 25 percent less for the third year; and 30 percent less for the fourth year. The proposed amendment deletes these salary reductions. Defines "certification" or "certified" as a current and valid peace officer certification issued by the POST Commission or training that is approved by or meets the standard on minimum hours required to be certified by the POST Commission.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

On May 3, 2010, we issued a corrected fiscal memo with an estimated impact of *decrease local expenditures – exceeds \$1,800; other fiscal impact – deleting the salary reductions relating to the salary of an elected sheriff without a current and valid peace officer certification as compared to the salary of an elected sheriff with a current and valid peace officer certification may result in an increase in local expenditures exceeding \$12,000*. After further review, the estimated fiscal impact has been corrected as follows:

### **(CORRECTED)**

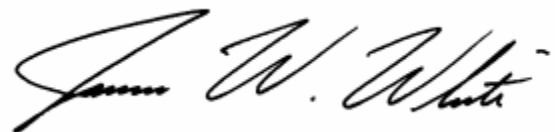
#### **Decrease Local Expenditures – Exceeds \$1,800**

Assumptions applied to amendment:

- Local governments will experience a decrease in expenditures because most newly elected sheriffs will already be POST-certified. Presently, local governments pay \$3,000 for the sheriff to be POST-certified [\$2,500 for the Tennessee Law Enforcement Training Academy's (TLETA) recruit training program and \$500 for new sheriff school]. Because most newly elected sheriffs will now be POST-certified, the maximum a local government would be required to pay is for POST transition school at TLETA (\$750) for sheriffs with a five to ten year break in service or transferring from another state, and the new sheriff's school (\$500). The potential decrease in local expenditures is estimated to exceed \$1,750.
- All sheriffs will be POST-certified or will complete the required training. Deleting the discounted salary provisions will not result in an increase in local expenditures.

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/kmc